

REMARKS

Claims 17, 18, 24-30, and 32-42 are pending in the application. Editorial revisions have been made to claims 32-42. No new matter has been added to the application. Applicant respectfully requests reconsideration and allowance of claims 17, 18, 24-30, and 32-42.

Objections to the Specification

Formal objection has been made to the specification for omitting a description of Figure 9 in the Brief Description of the Drawings section. In response, a description of Figure 9 has been added herein. No new matter has been added. Applicant respectfully submits that appropriate correction has been made and requests that the objection be withdrawn.

Objections to the Drawings

The drawings have been objected to under 37 C.F.R. 1.83(a) for not showing the drive pawl pivotably attached to the pivot lever as recited in claim 34. Claim 34 has been amended to correct a typographical error. The amended claim recites a drive pawl slidably attached to the pivot lever. Applicant, therefore, respectfully asserts that the objection is overcome and requests that the objection to the drawings be withdrawn.

Section 112 Rejections

Claims 34-42 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, regarding claim 34, the rejection questions how the drive pawl can be pivotably attached to the pivot lever. Claims 34-42 have been further rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicant has carefully considered the Examiner's comments and submits that appropriate correction has been made. Claim 34 has been amended as discussed above. Editorial revisions have been made to claims 34-42 to correct typographical errors and other formal matters. Applicant, therefore, respectfully requests that the rejection be withdrawn. Applicant notes that the amendments discussed above were not made for the purposes of traversing an art rejection and so should not be construed as limiting.

Claim Rejections

Claims 17, 18, 24-26, 28, and 30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over DE 3017371 (hereinafter "German reference '371") in view of *Dolezych* (EP 311,828, hereinafter "the '828 reference") and *Berg* (US 5,832,569, hereinafter "the '569 reference"). Applicant respectfully disagrees with assertions made in the Office Action and traverses these rejections on the basis that the Office has failed to present a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met:

- (1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings without hindsight to the claimed invention;
- (2) There must be a reasonable expectation of success; and
- (3) The prior art references must teach or suggest all the claim limitations.

See *In re Vaeck*, 20 USPQ.2d 1438 (Fed. Cir. 1991); MPEP § 2143 et seq. Applicants respectfully assert that none of the requirements have been met.

Independent claim 17 recites, in part, a bi-directional tensioning device for tensioning an anchoring line and a threadable line. The tensioning device includes a first and second anchoring line attachment means at remote ends of the device, a blocking mechanism, and a rotatable drive element. The tensioning device further includes a first and second guide means serving to aid in winding the threadable line. The first guide means is spaced next to the blocking mechanism and guides the **threadable line over the blocking mechanism**. The second guide means includes a support surface and is spaced between the second anchoring line attachment means and the rotatable drive element.

Applicant asserts that the references, either individually or in combination, do not teach the claimed device. None of the references suggests a bi-directional tensioning device including first and second guide means having the same structure and serving the same function as the guide means recited in claim 17.

German reference '371 fails to disclose or suggest a first and second guide means both having the structures and serving the functions recited in claim 17. In fact, guide means are not disclosed at all in the '371 reference. The '828 reference does not overcome the shortcomings of the '371 reference. Reference '828 discloses three guide means having different structures and functions from the guide means disclosed in claim 17. The first two guides are spaced below an anchor line attachment means. The third guide means is positioned below the blocking mechanism and guides the **threadable line underneath the blocking mechanism**.

No motivation is provided in the '828 reference to reposition the guide means to guide the threadable line over the blocking mechanism. In fact, the tensioning device in the '828 reference is arranged and configured such that guiding the threadable line to thread over the blocking mechanism would leave the threadable line unprotected and would potentially interfere with operation of the drive part. The '828 reference, therefore, teaches away from modifying the guide means to guide the threadable line over the blocking mechanism. In addition, the '828 reference fails to disclose or suggest a guide means including a support surface. Rather, the '828 reference discloses only cylindrical guide means.

The '569 reference does not overcome the shortcomings of the combination of the '371 reference and the '828 reference. The '569 reference is directed to a lockable buckle including multiple ribs 19, 23 defining slots 22. The ribs 19 and 23 function as an anchor-hold for an **anchoring line** 70 as can clearly be seen from Figures 8-10. The **threadable line** 75 of the '569 reference does not contact or otherwise interact with the ribs 19, 23. The ribs 19, 23, therefore, cannot teach adding a support surface to aid in winding a threadable line as recited in claim 17.

Furthermore, one would not modify the structure of guide means for a threadable strap on the basis of the '569 reference. The function of the buckle disclosed in the '569 reference is different from the function of the ratcheting device recited in claim 17. The ratcheting device of claim 17 functions to secure a load to a semi-trailer flatbed. Due to safety concerns, similar ratchets are configured to maintain a working load generally ranging from about 1,670 lbs to about 6,600 lbs. See, *e.g.*, Kinedyne, *Cargo Control Systems Catalog* (1996), pages 10-11. In contrast, cam buckles similar to the one disclosed in the '569 reference typically function to secure a load within a van or other enclosure. Securing loads to flatbed trailers, where loose cargo can fall into the road, requires much stricter safety standards than securing loads within an

enclosed vehicle such as a van. The working load requirements of buckles similar to the one disclosed in the '569 reference, therefore, is generally much less than the ratchet straps, ranging in one catalog from about 420 lbs to about 1500 lbs. See, *e.g.*, Kinedyne, *Cargo Control Systems Catalog* (1996), page 12. A person having skill in the tensioning device art would not look towards the cam buckle for suggestions on modifying the ratchet strap device.

Therefore, for at least these reasons, the '371 reference would not lead a person having skill in the art to the invention of claim 17 even in view of the '828 reference and the '569 reference. Claims 18, 24-26, 28, and 30 depend from claim 17 and are allowable for at least the same reasons. Applicant respectfully requests reconsideration and allowance of claims 17, 18, 24-26, 28, and 30. Applicant does not otherwise concede the correctness of this rejection and reserves the right to make additional arguments if necessary.

Claims 27 and 29 have been rejected under 35 U.S.C. §103(a) as being obvious over the '371 reference in view of the '828 reference and the '569 reference as applied to claim 17, and further in view of *Huang* (U.S. 5,778,496, hereinafter "the '496 reference"). Applicant traverses the rejection.

Claims 27 and 29 depend from claim 17. Claims 27 and 29, therefore, are allowable over the combination of the '371 reference, the '828 reference, and the '569 reference for at least the same reasons as discussed above with respect to claim 17. The '496 reference does not overcome the shortcomings of the '371 reference, the '828 reference, and the '569 reference. The '496 reference does not disclose or suggest a second anchoring line attachment means and also does not suggest a second guide means spaced between the second anchoring line attachment means and the rotatable drive element. Furthermore, the '496 reference does not disclose or suggest a guide means including a support surface.

Therefore, for at least these reasons, the '371 reference would not lead a person having skill in the art to the invention of claim 17 even in view of the '828 reference, the '569 reference, and the '496 reference. Claims 27 and 29 are allowable for at least the same reasons. Applicant respectfully requests reconsideration and allowance of claims 27 and 29. Applicant does not otherwise concede the correctness of this rejection and reserves the right to make additional arguments if necessary.

Claims 34-36, 38, and 40-42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the '371 reference in view of the '828 reference and *McMillen* (US 1,001,547, hereinafter "the '547 reference"). Applicant respectfully submits that the rejection is overcome.

Claim 34 recites, in part, a bi-directional tensioning device for tensioning a threadable line including at least one ratchet wheel and a blocking mechanism for engaging the ratchet wheel. The handle of the blocking pawl is configured to enable a user to transfer the blocking pawl into an inoperative position to enable passage of one directionally oriented notch of the ratchet wheel. The control cam of the pivot lever is configured to transfer the blocking mechanism from an operative position to an inoperative position to enable passage of multiple directionally oriented notches.

This configuration is advantageous in that a user may release the threadable line all at once using the control cam or one notch at a time (i.e., "tooth-by-tooth") using the handle attached to the blocking pawl. Due to the large amount of tensioning force stored in the ratchet system during operation, simply releasing the threadable line all at once can be dangerous for an operator. The released force may cause the ratcheting device to strike either the operator or the load that was being secured by the threadable line, thereby causing damage. By manually releasing one notch at a time, an operator may safely alleviate some of the tensioning force in the system before completely releasing the threadable line.

None of the cited references disclose or suggest the advantages of providing more than one ways in which to release a tensioned line. The '371 reference does not disclose or suggest a ratchet device that enables a user to choose whether to release the tensioned line all at once or tooth-by-tooth. Rather, the device disclosed in the '371 reference must release the threadable line all at once. The '828 reference does not overcome the shortcomings of the '371 reference. The device disclosed in the '828 reference also must release the threadable line all at once.

The '547 reference does not overcome the shortcomings of the '371 reference and the '828 reference. The '547 reference discloses a wire stretcher for pulling tree stumps or hoisting up objects. The wire to be stretched is attached to a chain threaded around a ratchet wheel. In order to lessen the tension on the wire (i.e., unwind the chain) using the device, a blocking pawl must manually be pulled out of engagement with the ratchet wheel. Unlike the present invention, the

device disclosed in the '547 reference does not include a control cam to engage the blocking pawl when the tensioning device is in a release position.

For at least these reasons, therefore, the combination of the '371 reference, the '828 reference and the '547 reference would not lead a person having skill in the art to the invention of claim 34. Claims 35-36, 38, and 40-42 depend from claim 34 and are allowable for at least the same reasons. Applicant respectfully requests reconsideration and allowance of claims 35, 36, 38, and 40-42. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

Claim 39 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the '371 reference in view of the '828 reference and the '547 reference as applied to claim 34, and further in view of *Speich* (US 4,584,742, hereinafter "the '742 reference"). Applicant respectfully traverses the rejection.

Claim 39 depends from claim 34 and, therefore, is allowable over the combination of the '371 reference, the '828 reference, and the '547 reference for at least the same reasons as discussed above with respect to claim 34. The '742 reference does not overcome the shortcomings of the '371 reference, the '828 reference, and the '547 reference. The '742 reference does not disclose or suggest any structure enabling a user to choose whether to release a tensioned line all at once or tooth-by-tooth. For at least these reasons, the combination of the '371 reference, the '828 reference, and the '547 reference would not lead a person having skill in the art to the invention of claim 39, even in view of the '742 reference. Applicant respectfully requests reconsideration and allowance of claim 39. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

Claim 37 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the '371 reference in view of the '828 reference and the '547 reference as applied to claim 34, and further in view of the '569 reference. Applicant respectfully traverses the rejection.

Claim 37 depends from claim 34 and, therefore, is allowable over the combination of the '371 reference, the '828 reference, and the '547 reference for at least the same reasons as discussed above with respect to claim 34. The '569 reference does not overcome the shortcomings of the '371 reference, the '828 reference, and the '547 reference. The '569 reference does not disclose or suggest enabling a user to choose whether to release a tensioned line all at

once or tooth-by-tooth. For at least these reasons, the combination of the '371 reference, the '828 reference, and the '547 reference would not lead a person having skill in the art to the invention of claim 37, even in view of the '569 reference. Applicant respectfully requests reconsideration and allowance of claim 37. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

Claims 32 and 33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the '547 reference in view of Kranz (US 1,287,050, hereinafter "the '050 reference"). Applicant respectfully submits that the rejection is overcome.

Claim 32 recites, in part, a method for partially releasing a threadable line from a tensioning device including a ratchet wheel, a drive part having a control cam, and a blocking mechanism. The method includes positioning the control cam so that the blocking mechanism is in an operative position, positioning and maintaining the drive part at a point along a distance such that the drive part is capable of moving in the first direction, pulling a handle portion of the blocking mechanism to remove the blocking mechanism from blocking engagement with a second notch of the ratchet wheel, and moving the drive part in the first direction so as to enable the ratchet wheel to turn in the first direction. Moving the drive part moves the second notch past the blocking mechanism. The method further includes releasing the handle portion of the blocking mechanism to enable the blocking mechanism to return to blocking engagement with a third directionally oriented notch of the ratchet wheel.

For at least the same reasons as discussed above with respect to claim 34, therefore, the '547 reference would not lead a person having skill in the art to the invention of claim 32, even in view of the '050 reference. Claim 33 depends from claim 32 and is allowable for at least the same reasons. Applicant respectfully requests reconsideration and allowance of claims 32 and 33. Applicant does not otherwise concede the correctness of the rejection and reserves the right to make additional arguments if necessary.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "B. H. Batzli", written over a horizontal line.

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BHB/JKS/jt